

from the date of the death of the officer or enlisted man. (Apr. 27, 1928, c. 446, 45 Stat. 466.)

The Act cited to the text was entitled "An Act granting double pension in all cases to widows and dependents when an officer or enlisted man of the Navy dies from an injury in line of duty as the result of a submarine accident."

Chapter 4a.—COAST GUARD PENSIONS.

Section 238. Application of pension law to officers and enlisted men of Coast Guard and their widows and children.—The provisions of sections 151, 152, 191, and 193, of this title, commonly known as the general pension law, are extended to the officers and enlisted men of the Coast Guard and their widows, children, and other dependents, under the same regulations and restrictions as are or may be provided by law with respect to officers and enlisted men of the Army and Navy. (July 2, 1930, c. 803, § 1, 46 Stat. 847.)

The Act cited to the text was entitled "An Act to apply the pension laws to the Coast Guard."

238a. Same; claims recognized; commencement of pension.—The benefits provided by this chapter shall include claims for pension based upon diseases contracted, or death or injury incurred, in service and in line of duty, from and after July 2, 1930: *Provided, however,* That the date of commencement of pension granted hereunder shall commence from date of filing application in the Bureau of Pensions, under such rules and regulations as the Secretary of the Interior may prescribe. (July 2, 1930, c. 803, § 2, 46 Stat. 847.)

For title of Act see note to § 238.

238b. Claim agents and attorneys; regulation of fees; penalty for misconduct.—No claim agent or attorney or other person shall contract for, demand, receive, or retain a fee of more than \$10 for services in preparing, presenting, or prosecuting a claim for original pension under this chapter; and no more than \$2 in a claim for increase of pension, which fee shall be payable only on the order of the Commissioner of Pensions; and any person who shall, directly or indirectly, otherwise contract for, demand, receive, or retain a fee for services in preparing, presenting, or prosecuting any claim under this chapter, or shall wrongfully withhold from the pensioner or claimant the whole or any part of the pension allowed or due such pensioner or claimant under this chapter, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall for each and every offense be fined not exceeding \$500 or be imprisoned not exceeding one year, or both, in the discretion of the court. (July 2, 1930, c. 803, § 3, 46 Stat. 847.)

For title of Act see note to § 238.

Chapter 5.—ARTIFICIAL LIMBS AND TRUSSES.

Section 243. Artificial limbs; commutation rates in money value for limb.—Every person entitled to the benefits of the preceding section may, if he so elects, receive, instead of such limb or apparatus, the money value thereof at the following rates, namely: For artificial legs, \$125; for arms, \$100; for feet, \$100; for apparatus for resection, \$100. (As amended Feb. 11, 1927, c. 105, § 2, 44 Stat. 1086.)

For title of Act see note to § 168a.

★ **249. Same; purchase of.**—The Surgeon General is authorized and directed to purchase the trusses required for such soldiers, at wholesale prices, and the cost of the same shall be paid upon the requisition of the Surgeon General out of any moneys appropriated for the purpose. (R. S. § 1178; May 27, 1908, c. 200, § 1, 35 Stat. 307.)

This section has been restated to express existing law.

Chapter 6.—CIVIL WAR, WAR WITH MEXICO, AND REVOLUTIONARY WAR—SERVICE AND DISABILITY PENSIONS OF VETERANS; WIDOWS, CHILDREN, DEPENDENT RELATIVES; PENSION TO ARMY NURSES.

The provisions of this chapter relating to Civil War veterans and their dependents have been in part modified and amended by chapter 6A of this title.

VETERANS

★ **Section 268. Civil War and war with Mexico; pension from and after May 11, 1912, commencement of pension.**—

The last paragraph of this section is affected by § 5 of Act May 11, 1912, c. 123, 37 Stat. 113, as amended by Act Mar. 4, 1913, c. 109, 37 Stat. 1019, omitted from the Code as not permanent legislation, which provides as follows:

"SEC. 5. That it shall be the duty of the Commissioner of Pensions, as each application for pension filed under this Act [section 268 of this title] is adjudicated, to cause to be kept a record showing the name, length of service, and age of each claimant, the monthly rate of payment granted to or received by him, and the county and State of his residence; and shall at the end of the fiscal year nineteen hundred and fourteen tabulate the records so obtained by States and counties, and to furnish certified copies thereof upon demand and payment of such fee therefor as is provided by law for certified copies of records in the executive departments; and that further increase of rate under this Act [section 268 of this title] on account of advancing age shall be made without further application by pensioner and shall take effect and commence from the date he is shown by the aforesaid record to have attained the age provided by this Act [section 268 of this title] as a basis of rating: *Provided,* That where a claim has been heretofore adjudicated and the record therein does not sufficiently establish the date of birth of the soldier or sailor pensioner nothing herein shall prevent such further investigation as is deemed necessary, in order to establish a record upon which future increases of rate under this Act [section 268 of this title], on account of advancing age, may be possible, the object being to advance automatically the rate of pension, as provided for by this Act [section 268 of this title], without unnecessary expense to the pensioner."

273. Civil War or war with Mexico; pension from and after July 3, 1926.—Every person who served ninety days or more in the Army, Navy, or Marine Corps of the United States during the Civil War, and who has been honorably discharged therefrom, or who, having so served less than ninety days, was discharged for a disability incurred in the service and in the line of duty, and every person who served sixty days or more in the war with Mexico, or on the coasts or frontier thereof, or en route thereto, during the war with that nation, and was honorably discharged therefrom, and who is now in receipt of or entitled to receive, under existing law, a pension of less than \$72 per month, shall be entitled to and shall be paid a pension at the rate of \$65 per month; that in case such person is now or hereafter may become totally helpless or blind shall be entitled to and shall be paid a pension at the rate of \$90 per month. (July 3, 1926, c. 733, § 1, 44 Stat. 800.)

The Act cited to the text was entitled "An Act granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil and Mexican Wars, and to certain widows of said soldiers, sailors, and marines, and to widows of the War of 1812, and Army nurses, and for other purposes."

WIDOWS, CHILDREN, AND DEPENDENT RELATIVES

291. Widows and remarried widows of Civil War veterans; pension from and after July 3, 1926.—The widow or remarried widow of any person who served in the Army, Navy, or Marine Corps of the United States during the Civil War for ninety days or more and was honorably discharged from such service, or regardless of the length of service was discharged for or died in service of a disability incurred in the service and in the line of duty, such widow or remarried widow having

been the wife of such soldier, sailor, or marine during the period of his service in said war, she shall be paid \$50 a month. (July 3, 1926, c. 733, § 2, 44 Stat. 806.)

For title of Act see note to § 273.

291a. Widows and former widows of Civil War veterans reaching age of seventy-five; rate of pension.—The widow or former widow of any person who served in the Army, Navy, or Marine Corps of the United States during the Civil War for ninety days or more, and was honorably discharged from all contracts of service, or regardless of the length of service was discharged for disability incurred in service and in the line of duty, such widow or former widow having been married to the soldier, sailor, or marine prior to the 27th day of June, 1905, who is now or may hereafter attain the age of 75 years and is pensioned as such widow or former widow under the general pension law, or whose name may hereafter be placed on the pension roll under existing laws, shall be paid a pension at the rate of \$40 a month, but nothing in this section shall be construed as decreasing the rate of pension granted by any other Act. (May 23, 1928, c. 705, § 1, 45 Stat. 711.)

The Act cited to the text was entitled "An Act granting pensions and increase of pensions to widows and former widows of certain soldiers, sailors, and marines of the Civil War, and for other purposes."

291b. Same; commencement of pension; pension check as asset of estate of deceased pensioner.—The pension or increase of the rate of pension provided for in section 291a of this title, as to all persons whose names were on the pension roll May 23, 1928, or who were then in receipt of a pension under then existing law, shall commence at the rate provided in the said section, on the fourth day of June, 1928; and as to persons whose names were not on that date on the pension roll, or who were not then in receipt of a pension under then existing law but who may be entitled to a pension under the general pension laws, such pensions shall commence from the date of filing application therefor in the Bureau of Pensions after May 23, 1928, in such form as may be prescribed by the Secretary of the Interior: *Provided*, That the issue of a check in payment of a pension for which the execution and submission of a voucher was not required shall constitute payment in the event of the death of the pensioner on or after the last day of the period covered by such check, and it shall not be canceled, but shall become an asset of the estate of the deceased pensioner. (May 23, 1928, c. 705, § 2, 45 Stat. 715.)

For title of Act see note to § 201a.

291c. Same; fees for handling claims under sections 291a and 291b; violation of provision of sections; wrongful withholding of pension.—No claim agent, attorney or other person shall demand, receive or accept fees or compensation for the presentation or preparation of any such claim for increase in pension under sections 291a and 291b of this title, or be recognized as agent or attorney in the prosecution or adjudication of a claim for increase under sections 291a and 291b of this title, and any such person who shall violate any of the provisions of this section, or wrongfully withholds from a pensioner the whole or any part of the pension allowed or due a pensioner under sections 291a and 291b of this title, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every offense, be fined not to exceed \$500 or imprisonment not to exceed one year, or both, in the discretion of the court. (May 23, 1928, c. 705, § 3, 45 Stat. 715.)

For title of Act see note to § 201a.

291d. Same; modification of provisions of conflicting acts.—All Acts and parts of Acts in conflict with or inconsistent with the provisions of sections 291a to 291c of this title are hereby modified and amended only so far and to the extent therein

specifically provided and stated. (May 23, 1928, c. 705, § 4, 45 Stat. 715.)

For title of Act see note to § 201a.

292. Widows of veterans of War of 1812 or war with Mexico; pension from and after July 3, 1926.—The rate of pension for the widow of any person who served in the Army, Navy, or Marine Corps of the United States in the War of 1812, or for sixty days or more in the war with Mexico, on the coasts or frontier thereof, or en route thereto, during the war with that nation, and was honorably discharged therefrom, shall be \$50 per month. (July 3, 1926, c. 733, § 3, 44 Stat. 806.)

For title of Act see note to § 273.

ARMY NURSES AND DEPENDENT PARENTS OF CIVIL WAR VETERANS

313. Army nurses of Civil War; pension from and after July 3, 1926.—All Army nurses of the Civil War whose names were on July 3, 1926, on the pension roll, or who were on that date entitled to pension under then existing law, shall be entitled to and shall be paid a pension at the rate of \$50 per month. (July 3, 1926, c. 733, § 4, 44 Stat. 806.)

For title of Act see note to § 273.

MISCELLANEOUS PROVISIONS; COMMENCEMENT OF PENSION

321a. Time of commencement of increase of 1926; inmate of Soldiers' Home not entitled.—The pension or increase in the rate of pension provided for by sections 273, 291, 292 and 313 of this title, as to all persons whose names are now on the pension roll, or who are now in receipt of a pension under existing law, shall commence at the rates herein provided on the fourth day of the next month after July 3, 1926; and as to persons whose names are not now on the pension roll, or who are not now in receipt of a pension under existing law, but who may be entitled to a pension under sections 273, 291, 292, and 313 of this title, such pensions shall commence from the date of filing application therefor in the Bureau of Pensions after July 3, 1926, in such form as may be prescribed by the Secretary of the Interior: *Provided*, That no one while an inmate of the United States Soldiers' Home, or of any National or State soldiers' home shall be entitled to, or be paid the increased rates provided in sections 273, 291, 292, and 313 of this title; and the issue of a check in payment of a pension for which the execution and submission of a voucher was not required shall constitute payment in the event of the death of the pensioner on or after the last day of the period covered by such check, and it shall not be canceled, but shall become an asset of the estate of the deceased pensioner. (July 3, 1926, c. 733, § 5, 44 Stat. 807.)

For title of Act see note to § 273.

330. Fees of attorneys for prosecuting claims under Act of 1926; penalty.—No claim agent, attorney, or other person shall contract for, demand, receive, or retain a fee for services, in preparing, presenting, or prosecuting claims for the increase of pension provided for in sections 273, 291, 292 and 313 of this title; and no more than the sum of \$10 shall be allowed for such services in other claims thereunder, which sum shall be payable only on the order of the Commissioner of Pensions; and any person who shall directly or indirectly otherwise contract for, demand, receive, or retain a fee for services in preparing, presenting, or prosecuting any claim under said sections, or shall wrongfully withhold from the pensioner or claimant the whole or any part of the pension allowed or due to such pensioner or claimant under said sections shall be deemed guilty of a misdemeanor, and upon conviction thereof shall for each and every such offense be fined not exceeding \$500 or be imprisoned not exceeding one year, or both, in the discretion of the court. (July 3, 1926, c. 733, § 6, 44 Stat. 807.)

For title of Act see note to § 273.

331. Extent of modification by Act of 1926 of earlier acts.—All Acts and parts of Acts in conflict with or inconsistent with the provisions of sections 273, 291, 292, 313, 321a and 330 of this title are hereby modified and amended only so far and to the extent as therein specifically provided and stated: *Provided*, That the provisions of said sections shall in no way, manner, or substance modify, limit, or impair the soldier, sailor, or marine's right and title to the rate of \$72 provided in section 271 of this title. (June 9, 1926, c. 733, § 7, 44 Stat. 807.)

For title of Act see note to § 273.

Chapter 6a.—CIVIL WAR VETERANS AND THEIR DEPENDENTS; PENSIONS AND EQUALIZATION OF RATES OF PENSIONS.

Section 341. Civil War service and disability pensions; rate generally.—Every person who served ninety days or more in the Army, Navy, or Marine Corps of the United States during the Civil War, and who has been honorably discharged from all contracts of service, or who, having so served less than ninety days was discharged for a disability incurred in the service and in the line of duty, or is now on the pension roll as a Civil War veteran, under existing service pension laws, shall be entitled to and shall be paid a pension at the rate of \$75 per month. (June 9, 1930, c. 420, § 1, 46 Stat. 529.)

The Act cited to the text was entitled "An Act to revise and equalize the rate of pension to certain soldiers, sailors, and marines of the Civil War, to certain widows, former widows of such soldiers, sailors, and marines, and granting pensions and increase of pensions in certain cases."

341a. Same; pension rate for veterans in need of attendance.—Every person who served ninety days or more in the Army, Navy, or Marine Corps of the United States during the Civil War and who has been honorably discharged from all contracts of service, or who, having so served less than ninety days, was discharged for a disability incurred in the service and in the line of duty, or is now on the pension roll as a Civil War veteran, under existing service pension laws, and who is now or hereafter may become, by reason of age or physical or mental disabilities, helpless or blind or so nearly helpless or blind as to require the regular aid and attendance of another person, shall be entitled to and shall be paid a pension at the rate of \$100 per month. (June 9, 1930, c. 420, § 2, 46 Stat. 529.)

For title of Act see note to § 341.

341b. Widows and remarried widows of Civil War veterans; when entitled to pensions; rate.—The widow or remarried widow of any person who served in the Army, Navy, or Marine Corps of the United States during the Civil War for ninety days or more and was honorably discharged from all contracts of service, or regardless of the length of service, was discharged for or died in service of a disability incurred in the service and in the line of duty, or who has heretofore been allowed a pension as a Civil War veteran, under existing service pension laws, such widow having been married to such Civil War veteran prior to June 27, 1905, who is now or who may hereafter attain the age of seventy years, shall be entitled to and shall be paid a pension at the rate of \$40 per month; and nothing herein shall be construed to affect the additional allowance provided by existing pension laws for a helpless child or child under sixteen years of age: *Provided*, That hereafter the service pension laws applicable to Civil War widows shall extend to the former widow of a Civil War veteran, such widow having remarried either once or more than once after the death of the veteran, if it be shown that such subsequent or successive remarriage has been dissolved either by the death of the husband or husbands, or by divorce on any ground except adultery on the part of the wife. (June 9, 1930, c. 420, § 3, 46 Stat. 529.)

For title of Act see note to § 341.

341c. Recovery of pension payments from beneficiary of Bureau of Pensions as dependent on equity and good conscience.—There should be no recovery of pension payments from any beneficiary of the Bureau of Pensions, who in the judgment of the Commissioner of Pensions is without fault, and when in the judgment of the Commissioner of Pensions such recovery would be contrary to equity and good conscience. (June 9, 1930, c. 420, § 4, 46 Stat. 529.)

For title of Act see note to § 341.

341d. Commencement of pensions provided for by this chapter.—The increase of pension herein provided shall be effective from and after the fourth day of the month next after the approval of this chapter and, as to those then in receipt of pension and shown to be entitled to such increase, shall commence from such date; and, as to those not then entitled, the increase shall commence from the date when the requisite condition is shown: *Provided*, That as to those not now in receipt of pension and who may be entitled to pension under this chapter, such pension shall commence from the date of filing application therefor in the Bureau of Pensions, on and after the approval of this chapter, in such form as may be prescribed by the Secretary of the Interior: *Provided further*, That the pension paid under this chapter to any Civil War veteran for any period during which he was actually residing in the United States Soldiers' Home or in any National or State Soldiers' Home shall be reduced at the rate of \$25 per month. (June 9, 1930, c. 420, § 5, 46 Stat. 529.)

For title of Act see note to § 341.

341e. Claim agents and attorneys; regulations; fees; violation of provisions of chapter; withholding moneys.—No claim agent or attorney or other person shall be recognized in the adjustment of claims under this chapter, except in claims for original pension, and in such cases no more than the sum of \$10 shall be allowed for service in preparing, presenting, or prosecuting any such claim, which sum shall be payable only on the order of the Commissioner of Pensions; and any person who shall violate any of the provisions of this section, or shall wrongfully withhold from the pensioner or claimant under this chapter, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every offense, be fined not exceeding \$500 or be imprisoned not exceeding one year, or both, in the discretion of the court. (June 9, 1930, c. 420, § 6, 46 Stat. 530.)

For title of Act see note to § 341.

341f. Conflicting acts; modification and amendment.—All Acts and parts of Acts in conflict with or inconsistent with the provisions of this chapter are hereby modified and amended only so far and to the extent herein specifically provided and stated. (June 9, 1930, c. 420, § 7, 46 Stat. 530.)

For title of Act see note to § 341.

Chapter 7.—WAR WITH SPAIN, PHILIPPINE INSURRECTION, AND CHINESE BOXER REBELLION; VETERANS, WOMEN NURSES, AND DEPENDENTS.

Section 364. Veterans; nurses; pension from and after May 1, 1926.—All persons who served ninety days or more in the military or naval service of the United States during the war with Spain, the Philippine insurrection, or the China relief expedition, and who have been honorably discharged therefrom, or who, having served less than ninety days, were discharged for disability incurred in the service in line of duty, and who are now or who may hereafter be suffering from any mental or physical disability or disabilities of a permanent character not the result of their own vicious habits which so incapacitates them for the performance of manual labor as to render them unable to earn a support, shall, upon making due proof of the